

PATENT  
Serial No. 10/014,180

Amendment in Reply to Office Action of September 13, 2004

REMARKS

Reconsideration of the present application is respectfully requested.

In the Final Office Action, claims 1-23 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. 6,334,127 B1 (Bieganski). In response, the following remarks are presented. It is respectfully submitted that claims 1-23 are patentable over Bieganski for at least the following reasons.

On page 4 of the Final Office Action, the Examiner alleges that on page 11 of the Amendment mailed on May 26, 2004, "Applicants admitted that Bieganski teaches aggregating the distances between each of the symbolic feature values to determine the closeness of two items." Applicants respectfully submit that the Examiner has misread the May 26 Amendment. Not only was there no admission of Bieganski teaching aggregating the distances, but there was an assertion that Bieganski does not teach or suggest aggregating or adding distances. The May 26 Amendment refers to the Examiner's allegation of Bieganski teaching aggregating distances on page 2-3 of the Office Action dated February 26, 2004.

Accordingly, reconsideration of the present application is respectfully requested. Further, if it is persisted that Bieganski

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does teach aggregating distances, then is respectfully requested that the Examiner specifically point out by column and line numbers where exactly does Bieganski teach aggregating distances.

Bieganski merely discloses an electronic processing system for generating a serendipity-weighted recommendation output so that low value recommendations are not made. The Examiner has alleged that serendipity control values of Bieganski are equivalent to distances between symbolic features as recited in independent claims 1, 10 and 19-23.

Without agreeing with the Examiner's characterization of Bieganski serendipity control values, but assuming, arguendo, that the distance recited in the claims of present application is equal to the serendipity control value Bieganski, it is still submitted that the present application is patentable over Bieganski. In particular, it is respectfully submitted that column 14, lines 32-56 of Bieganski teaches multiplying the recommendation value by the serendipity control value.

By contrast, the present invention as recited in independent claims 1, 10 and 19-23, requires aggregating distances. Aggregating or adding distances is nowhere taught or suggested in Bieganski, let alone adding distances between each of the symbolic feature

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values to determine the closeness of two items, as recited in independent claims 1, 10 and 19-23.

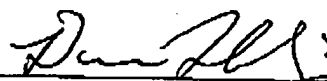
Accordingly, it is respectfully submitted that independent claims 1, 10 and 19-23 be allowed. In addition, as claims 2-9 and 11-18 depend from independent claims 1 and 10, applicants respectfully request that claims 2-9 and 11-18 also be allowed.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

If any informalities remain, the Examiner is requested to telephone the undersigned in order to expedite allowance.

Please charge any fee deficiencies and credit any overpayments to Deposit Account No. 14-1270.

Respectfully submitted,

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